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5 Attorney for Defendant
6 WING WO MA

7
8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 WING WO MA,

16 Defendant.

17 No. 15-CR-00529 CRB

18 DEFENDANT'S PRETRIAL
CONFERENCE STATEMENT AND
TRIAL MEMORANDUM

19 Pretrial: November 28, 2017

Time: 2:00 p.m.

Hon. Charles R. Breyer

20 Defendant WING WO MA ("Mr. Ma"), by and through his counsel of record, Adam G. Gasner,
21 hereby submits his Pre-Trial Conference Statement and Trial Memorandum in the above-captioned case.

22 **I. CHARGES**

23 On April 6, 2017, a Federal Grand Jury named Mr. Ma as sole defendant in a superseding
24 indictment. The Court dismissed charges against his three co-defendants. Mr. Ma is charged with
25 violations of the following: Count One: 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(B) -- Conspiracy
26 to Cultivate and Distribute and to Possess with Intent to Distribute Marijuana; Count Two: 18
27
28

1 U.S.C. § 9240) -- Use of Firearm Causing Murder; and Count Three: 18 U.S.C. § 924(c)(1)(A) --
2 Use of Firearm During and in Relation to a Drug Trafficking Crime.
3

4 **II. JENCKS, BRADY, AND GIGLIO DISCLOSURE (Crim. L.R. 17.1-1(b)(1-3))**

5 The government claims to have complied with the required disclosures.
6

7 **III. STIPULATIONS (Crim. L.R. 17.1-1(b)(4))**

8 There are currently no stipulations; however, the parties anticipate and are meeting and
9 conferring regarding stipulations to the admissibility of certain evidence.
10

11 **IV. NEED FOR INTERPRETERS (Crim. L.R. 17.1-1(b)(5))**

12 The defendant requires a Cantonese interpreter.
13

14 **V. DISMISSAL OF COUNTS/ELIMINATION OF ISSUES (Crim. L.R. 17.1-1(b)(6))**

15 No issues
16

17 **VI. JOINDER/SEVERANCE (Crim. L.R. 17.1-1(b)(7))**

18 No issues
19

20 **VII. INFORMANT/IDENTIFICATION/PRIOR CONVICTIONS (Crim. L.R. 17.1-
21 (b)(8))**

22 Issues related to defendant Mark Ma's three prior misdemeanor convictions are the subject
23 of an *in limine* motion.
24

25 **VIII. WITNESSES (Crim. L.R. 17.1-1(b)(9))**

26 The defense is filing a witness list concurrently with the filing of pretrial conference
27 statement.
28

29 **IX. EXHIBITS (Crim. L.R. 17.1-1(b)(10))**

30 The defense objects to the inclusion of any exhibits not produced by the government prior
31 to trial.
32

33 **X. OBJECTIONS TO EXHIBITS OR TESTIMONY (Crim. L.R. 17.1-1(b)(11))**

34 None at this time.
35

1 **XI. LEGAL ISSUES LIKELY TO ARISE AT TRIAL (Crim. L.R. 17.1-1(b)(12))**

2 None at this time.

4 **XII. SCHEDULING (Crim. L.R. 17.1-1(b)(13))**

5 The defense anticipates moving the court for a continuance of the trial because of the need
6 to review, investigate, and analyze new disclosures by the government.

7 Specifically, on November 8, 2017, the government produced discovery consisting of a
8 search warrant, coroner reports, and grand jury testimony of nearly 700 pages. Then, on November
9 20, 2017 – yesterday – I received very large data files (approximately 12 gigabytes of information)
10 regarding cell phone records of the defendant’s multiple phones and witness Kevin Luu’s phone.

11 Also disclosed were 911 audio, detail calls for service, a search warrant for Jeffrey Huynh’s
12 DNA, Multiple HIS reports, autopsy evidence, and property receipts. I was informed by the
13 government that there will be additional law enforcement reports forthcoming that are currently
14 being prepared and not yet disclosed.

15 The majority of this information, disclosed yesterday, has not been reviewed as of this
16 writing. In addition, I am aware the government intends to produce voluminous additional records
17 from the USA v. Raymond “Shrimp Boy” Chow case. The government and I discussed the
18 possible need for a continuance as soon as I received the November 20, 2017 disclosures
19 (yesterday) and as of that conversation, there was no objection. The parties discussed mid-January
20 as a possible trial date, subject of course to the court’s ruling on a motion to continue and the
court’s schedule.

21 **XIII. JURY VOIRE DIRE (Crim. L.R. 17.1-1(b)(14))**

22 The defense requests to conduct individual voir-dire.

23 **XIV. JURY INSTRUCTIONS (Crim. L.R. 17.1-1(b)(14))**

25 The joint jury instructions proposed by the government are acceptable to the defense subject
26 to the evidence at trial.

1 DATED: November 21, 2017

Respectfully submitted,

2 /s/

3 ADAM G. GASNER
4 Attorney for WING WO MA

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